

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Amendment
of the
Hawai'i Rules of Penal Procedure

ORDER AMENDING RULE 32(d)
OF THE HAWAI'I RULES OF PENAL PROCEDURE
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that subparagraph (d) of Rule 32 of the Hawai'i Rules of Penal Procedure is amended, effective July 1, 2004, as follows (deleted material is bracketed and new material is underlined):

RULE 32. SENTENCE AND JUDGMENT

* * *

(d) Withdrawal of Plea [of Guilty]. A motion to withdraw a plea of guilty or of nolo contendere may be made [only] before sentence is imposed or imposition of sentence is suspended; provided that, [but] to correct manifest injustice the court, upon a party's motion submitted no later than ten (10) days after imposition of sentence, shall set aside the judgment of conviction and permit the defendant to withdraw [his] the plea. At any later time, a defendant seeking to withdraw a plea of guilty or nolo contendere may do so only by petition pursuant to Rule 40 of these rules and the court shall not set aside such a plea unless doing so is necessary to correct manifest injustice.

DATED: Honolulu, Hawai'i, January 29, 2004.